

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

V.

INDEPENDENT SCHOOL DISTRICT NO. 271 )  
OF BLOOMINGTON MN, )

Defendant.

Civil Action No. 04-4090 DSD/SEN

## COMPLAINT

## Jury Trial Demand

## NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act (“ADEA”) to correct unlawful employment practices on the basis of age, and to provide appropriate relief to Ramona Bowman, Rosemary Brown, Virginia Buegel, John Dekkenga, William Holt, Judith Jorgensen, Mavis Klefsaas, Sandra Lyons, Nicholas Paulus, Doris Stenberg and other similarly situated retired teachers (“class members”). The U.S. Equal Employment Opportunity Commission (“Commission”) alleges that from June, 1998 through at least June 2000, Independent School District 271, of Bloomington, Minnesota (“ISD 271”), discriminated against the class members by paying an early retirement incentive cash benefit which had been reduced because of age.

## JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA").

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which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Minnesota.

### PARTIES

3. Plaintiff, the Commission, is an agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, the ISD 271 has continuously been a public school district, known as the Bloomington School District operating in Bloomington, Minnesota, and has continuously had at least 20 employees.

5. At all relevant times, the ISD 271 has continuously been an employer, a political subdivision of a State, within the meaning of Section 11(b) of the ADEA, 29 U.S.C. § 630(b).

### CONCILIATION

6. Prior to the institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practice alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

7. From at least June 1998 through at least June 2000, ISD 271 engaged in unlawful employment practices in violation of Section 4(a) of the ADEA, 29 U.S.C. § 623(a), by entering into collective bargaining agreements which provided retiring employees a cash early retirement incentive consisting of a severance benefit calculated as 7 days pay for each year of service to a maximum of 150 days which was reduced because of the employee's age. In addition, the plan provided for a payment of \$100/month for individuals and \$152/month for employees with dependents, but only up to age 62. Since 1998, the following employees, and other class members who retired from ISD 271, have had their benefits reduced, specifically:

- a. Ramona Bowman, who retired in June 1999, received no benefit or additional monthly payment because of her age, 65.
- b. Rosemary Brown, who retired in June 1999, had her benefit reduce 10% because of her age, 61.
- c. Virginia Buegel, who retired in June 1999, had her benefit reduced by 20% because of her age, 62.
- d. John Dekkenga, who retired in June 1999, had his benefit reduced by 20% because of his age, 62.
- e. William Holt, who retired in June 1999, received no benefit or additional monthly payment because of his age, 65.
- f. Judith Jorgensen, who retired in June 1999, had her benefit reduced by 20% because of her age, 62.

- g. Mavis Klefsaas, who retired in June 1999, had her benefit reduced by 60% because of her age, 63, and failed to receive an additional benefit of a monthly payment because of her age.
  - h. Sandra Lyons, who retired in June 1999, had her benefit reduced by 20% because of her age, 62.
  - i. Nicholas Paulus, who retired in June 1999, received no benefit or monthly payment because of his age, 65.
  - j. Doris Stenberg, who retired in June 1999, had her benefit reduced by 10% because of her age, 61.
8. The unlawful employment practices complained of in paragraph 7 above were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant ISD 271, its appointees, employees, officers, successors, assigns, divisions, and all persons in active concert or participation with them, from engaging in employment practices that discriminate on the basis of age against individuals aged 40 and older.
- B. Grant a permanent injunction enjoining Defendant ISD 271 from offering any early retirement incentive program which reduces benefits because of age.
- C. Grant a judgment requiring Defendant ISD 271 to pay class members the amount of the early retirement incentive benefit to which each would have been entitled prior to the reduction based on his or her age, plus an equal sum as liquidated damages.

D. Grant such further relief as the Court deems necessary and proper in the public interest.

E. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

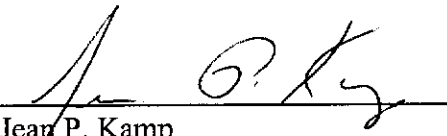
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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Eric S. Dreiband  
General Counsel

James L. Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel  
1801 L Street NW  
Washington, D.C. 20507

  
\_\_\_\_\_  
Jean P. Kamp  
Regional Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Milwaukee District Office  
310 West Wisconsin Ave., Suite 800  
Milwaukee, WI 53203  
(414) 297-1860